

FORM PTO-1083

Docket No.: 600.1263
Date: November 16, 2006

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In re application of: Keith Edward FOLEY, et al.
Serial No.: 10/796,671
Filed: 03/09/2004
For: DEVICE AND METHOD FOR IDENTIFYING MODULES IN A GRAPHICS MACHINE

Sir:

Transmitted herewith is **Supplemental Appellants' Brief under 37 CFR §41.37 including Appendices A to C (12 pages)** in the above-identified application.

- [] Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[] Other:
- [] Check(s) in the amount of **\$0.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[] Other:
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.



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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 16, 2006.
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Simon Steiner



Application No.: 10/796,671
Appeal Brief dated November 16, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: Keith Edward FOLEY
Serial No.: 10/796,671 Confirmation No.: 3017
Filed: March 9, 2004
For: DEVICE AND METHOD FOR IDENTIFYING
MODULES IN A GRAPHICS MACHINE

Art Unit: 2854
Examiner: Wasseem H. Hamdan
Customer No.: 23280
Atty. Docket: 600.1263

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November 16, 2006

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief in response to the Notification of Non-Compliant Appeal Brief of October 23, 2006 for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated April 12, 2006 in this application. The statutory fee of \$500.00 has been paid with the appeal brief filed September 18, 2006.

This Appeal Brief includes a "Summary of Claimed Subject Matter" section identifying and mapping independent claims 1 and 8 to the specification. Claim 20 has been withdrawn, and therefore is not subject to the appeal. It is respectfully submitted that it need not be addressed in the "Summary of Claimed Subject Matter" of this Appeal Brief.

1. REAL PARTY IN INTEREST

The real party in interest is Heidelberger Druckmaschinen AG, a German corporation having its place of business in Heidelberg, Germany, the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned by inventors Foley, Guaraldi and Harris to Heidelberger Druckmaschinen AG. The assignment was recorded on May 3, 2004 at reel 015274, frame 0755.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1 to 9 and 11 to 20 are pending. Claim 10 has been canceled. Claim 20 is withdrawn. Claims 1 to 9 and 11 to 19 have been finally rejected as per the Final Office Action dated April 12, 2006.

The rejection to claims 1 to 9 and 11 to 19 thus is appealed. A copy of pending claims 1 to 10 and 11 to 19 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

No amendment after final have been made (Claim 20 was been withdrawn by the final rejection.) A Notice of Appeal was filed on July 12, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a method for detecting a type of one of a plurality of devices attached to a graphics machine (e.g., specification at paragraph [0010], page 2, lines 20 to 24), each device being one of at least a first type, a second type, and a third type (e.g., 12, 14, 16 or 18 in Fig. 1, e.g., specification at paragraph [0025], page 3 line 29 to page 4 line 8), the method comprising: detecting at a controller (e.g., 60 in Fig. 1, e.g., specification at paragraph [0027], page 4, lines 14 to 19) whether the device (e.g., 12, 14, 16 or 18 in Fig. 1, e.g., specification at paragraph [0027], page 4, lines 14 to 19) attached to or to be attached to

the machine is of the first type, the second type or the third type, the controller being capable of preadjusting the device as a function of the detection (e.g., specification at paragraph [0005], page 1, lines 24 to 28 and paragraph [0029], page 4, line 29 to page 5, line 3)

Independent claim 8 recites a graphics machine comprising: a controller (e.g., 60 in Fig. 1, e.g., specification at paragraph [0027], page 4, lines 14 to 19) a first device connected to the controller, the first device being categorizable as one of at least a first type, a second type, and a third type (e.g., 12, 14, 16 or 18 in Fig. 1, e.g., specification at paragraph [0025], page 3 line 29 to page 4 line 8), the controller detecting whether the first device is of the first type, the second type or the third type (e.g., specification at paragraph [0027], page 4, lines 14 to 19); and a memory (e.g., 61 in Fig. 1, e.g., specification at paragraph [0027], page 4, lines 14 to 19) accessible by the controller, the memory storing information regarding the first type and the second type and the third type (e.g., specification at paragraph [0029], page 4, line 29 to page 5, line 3); herein the controller automatically adjusts the first device as a function of the information (e.g., specification at paragraph [0029], page 4, line 29 to page 5, line 3).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 9, 12 to 15 and 19 should be rejected under 35 U.S.C. §102(b) as being anticipated by Rabjohns (US Patent 5,592,881).

Whether claim 11 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Rabjohns in view of Campbell et al. (US 5,365,587).

Whether claim 16 to 18 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Rabjohns in view of Kikinis (US 6,137,591).

Whether claim 16 to 18 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Rabjohns in view of Pepperl+Fuchs.

7. ARGUMENTS

35 U.S.C. 102 Rejections

Claims 1 to 9, 12 to 15 and 19 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Rabjohns (US 5,592,881).

Rabjohns discloses “At start-up or upon a reconfiguration of the system, each individual module can send to control module 200 its unique identification code as well as another type of code which indicates exactly what type of device (feeder, marking engine, etc.) it is.” During operation individual instructions are sent from the controller 200 to the individual modules. See col. 5, lines 37 to 49.

Claim 1 recites “detecting at a controller whether the device attached to or to be attached to the machine is of the first type, the second type or the third type, the controller being capable of preadjusting the device as a function of the detection.”

There is absolutely no disclosure or teaching in Rabjohns that controller 200 is “capable of preadjusting the device as a function of the detection” as claimed in claim 1. Absolutely no preadjustment occurs or appears capable of occurring using the controller 200 in Rabjohns.

Withdrawal of the rejection to claim 1 and its dependent claims is respectfully requested.

Independent Claim 8: Argued Separately

With respect to claim 8, claim 8 recites “wherein the controller automatically adjusts the first device as a function of the information.” See [0029] of the preferred embodiment of the present invention.

There is no *automatic adjustment* disclosed in Rabjohns at all. Nothing appears to be automatic at all in Rabjohns.

Withdrawal of the 35 U.S.C. 102 rejections with respect to independent claim 8 is respectfully requested.

Claim 5: Argued Separately

With further respect to claim 5, claim 5 recites the method as recited in claim 1 wherein the devices are feeders for a binding line.

No feeders for a binding line are disclosed at all in Rabjohns. A binding line is a post-press device for large printing presses and has nothing to do with binders for copying machines as in Rabjohns.

Claim 6: Argued Separately

With further respect to claim 6, claim 6 recites wherein the devices are printing press components. A copier or printer is not a printing press, nor are the components in Rabjohns printing press components.

35 U.S.C. 103 Rejections: Claim 11

Claim 11 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Rabjohns in view of Campbell et al. (US 5,365,587).

Campbell has absolutely nothing to do with the device of Rabjohns, and it is respectfully submitted that it would not have been obvious to provide any table to the Rabjohns device in view of Campbell, and the motivation given is not found in any of the cited art.

35 U.S.C. 103 Rejections: Claims 16 to 18 Argued Separately

Claims 16 to 18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Rabjohns in view of Kikinis (US 6,137,591). Claims 16 to 18 also were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Rabjohns in view of Pepperl + Fuchs.

Neither Rabjohns nor Kikinis shows “the first type or second type being identified by a connection between the power pin and the other pin” as claimed in claim 16 nor is there any reason to combine the references. In addition, since Rabjohns require unique device identification the use of pins would not provide enough information.

Also, neither Rabjohns nor Pepperl + Fuchs shows “the first type or second type being identified by a connection between the power pin and the other pin” as claimed in claim 16 nor is there any reason to combine the references. In addition, since Rabjohns require unique device identification the use of pins would not provide enough information.

It is respectfully submitted that it would not have been obvious to have combined either Kikinis or Pepperl+Fuchs with Rabjohns.

Withdrawal of the 35 U.S.C. 103 rejections is respectfully requested.

Application No.: 10/796,671
Appeal Brief dated November 16, 2006

Respectfully submitted,

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APPENDIX A:

**PENDING CLAIMS 1 to 10 AND 11 TO 20 OF
U.S. APPLICATION SERIAL NO. 10/796,671**

Claim 1 (previously presented): A method for detecting a type of one of a plurality of devices attached to a graphics machine, each device being one of at least a first type, a second type, and a third type, the method comprising:

detecting at a controller whether the device attached to or to be attached to the machine is of the first type, the second type or the third type, the controller being capable of preadjusting the device as a function of the detection.

Claim 2 (original): The method as recited in claim 1 wherein the device includes a type identifier, and an identifier reader can be connected to the controller.

Claim 3 (original): The method as recited in claim 1 wherein the controller sends a control signal to the device as a function of the detection.

Claim 4 (original): The method as recited in claim 1 wherein the devices can be added or removed and replaced with other devices of other types.

Claim 5 (original): The method as recited in claim 1 wherein the devices are feeders for a binding line.

Claim 6 (original): The method as recited in claim 1 wherein the devices are printing press components.

Claim 7 (original): The method as recited in claim 1 further comprising running a self-test check upon each turn-on of the machine to determine which devices are connected to the machine.

Claim 8 (previously presented): A graphics machine comprising:

a controller;

a first device connected to the controller, the first device being categorizable as one of at least a first type, a second type, and a third type, the controller detecting whether the first device is of the first type, the second type or the third type; and

a memory accessible by the controller, the memory storing information regarding the first type and the second type and the third type;

wherein the controller automatically adjusts the first device as a function of the information.

Claim 9 (original): The machine as recited in claim 8 wherein the first device includes a type identifier, and the machine further comprises an identifier reader connected to the controller.

Claim 11 (original): The machine as recited in claim 8 wherein the information is stored as a table.

Claim 12 (original): The machine as recited in claim 8 wherein the first device is connected to the controller via an electrical plug, a fixed transmission line or a wireless connection.

Claim 13 (previously presented): The machine as recited in claim 8 wherein the graphics machine includes a second device connected to the controller, the second device being one of the first type and the second type and the third type.

Claim 14 (original): The machine as recited in claim 8 wherein the first device is modular.

Claim 15 (original): The machine as recited in claim 8 wherein the controller has a plurality of inputs, each input identifying a particular location of the machine.

Claim 16 (previously presented): The machine as recited in claim 9 wherein the type identifier is a plug having an input power pin and at least one other pin, the first type or second type being identified by a connection between the power pin and the other pin.

Claim 17 (original): The machine as recited in claim 16 wherein the input power pin and the other pin are separated by a resistor.

Claim 18 (original): The machine as recited in claim 16 wherein the at least one other pin includes two other pins, the type being determined by the presence or absence of power at the other pins when power is supplied to the input power pin.

Claim 19 (previously presented): The machine as recited in claim 8 wherein the type identifier supplies a digital signal.

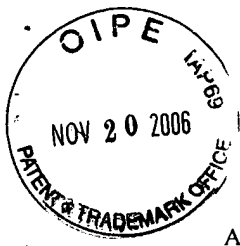


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APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.



Application No.: 10/796,671
Appendix A of Appeal Brief dated November 16, 2006

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "2. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.